

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5698 of 2018

V.K.Shukla S/o Late C.L.Shukla, aged about 59 years, Occupation Superintending Engineer, National Highway Circle, Public Worker Department, Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur (C.G.).
2. Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Saurabh Dangi, Advocate.
For State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/08/2018

1. The limited grievance raised by the petitioner in the present writ petition is that the petitioner is within the zone of consideration for promotion to the post of Superintending Engineer. The DPC by the State Government was not being conducted on account of some interim order in W.P. No. 1679 of 2012 passed by this Court on 3.10.2013 being operative.
2. According to the petitioner, subsequently the said writ petition and other bunch of writ petitions got transferred at the instance of the Hon'ble Supreme Court to the Madhya Pradesh High Court where the same came up for hearing vide W.P. No. 3412 of 2015 and the Division Bench of the Madhya

Pradesh High Court finally vide order dated 16.7.2018 has vacated the interim order granted earlier.

3. Given the fact that there is no further interim order in operation anywhere, the request of the petitioner is that an appropriate direction be given to the respondents to conduct a DPC/review DPC at the earliest and issue appropriate order of promotion to the petitioner from the date he has become eligible.

4. Learned counsel for the State as well as learned counsel for the Chhattisgarh Public Service Commission submit that so far as the order of the Madhya Pradesh High Court dated 16.7.2018 is concerned, the same is not in dispute. However, whether any affected person has questioned the said order before any other forum or whether there is any other interim order in operation is not in their knowledge. At the same time, the respondents do not have any objection in the disposal of the writ petition with direction to hold DPC/review DPC if there is no other impediment or hurdle in holding the same.

5. Given the aforesaid facts and circumstances of the case, this Court does not intend to keep the present writ petition pending, rather, ends of justice would serve if the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner for promotion to the post of Superintending Engineer, particularly when the earlier interim order because of which the DPC/review DPC was not being held having already been vacated by order dated 16.7.2018.

6. Let appropriate decision be taken by the respondents in this regard and if the petitioner is found eligible, he be given suitable promotion in accordance with the rules.
7. Let this exercise be concluded within a period of 60 days.
8. The writ petition stands disposed of accordingly.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit